FAS

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

2008 MAY 19 AM 10: 11

UNITED STATES OF AMERICA,	)	'08 MJ 1549 KMJ
Plaintiff,	)	Magistrate Case No.__________
	)	
v.	)	COMPLAINT FOR VIOLATION OF
	)	
Arturo COPADO-Rendon	)	Title 18, U.S.C., Section 1326
aka: Antonio GARCIA-Torres	)	Deported Alien Found In the United States
Defendant.	)	Title 18, U.S.C., Section 1546(a)
	)	Misuse of Entry Document

The undersigned complainant, being duly sworn, states:

Count I

On or about **May 16, 2008**, within the Southern District of California, defendant **Arturo COPADO-Rendon aka: Antonio GARCIA-Torres**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Section 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

Count II

On or about **May 16, 2008**, within the Southern District of California, defendant **Arturo COPADO-Rendon aka: Antonio GARCIA-Torres**, an alien, in applying for entry to the United States at the **Otay Mesa, California**, did impersonate another by presenting to a United States Customs and Border Protection Officer a document of entry, to wit: **I-551 Permanent Resident Card**, bearing the name of **Rigoberto Rodriguez-Ulloa**, in order to gain admission into the United States; in violation of Title 18, United States Code, Section 1546(a).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Claudia Rios, Customs and Border
Protection Enforcement Officer

Sworn to before me and subscribed in my presence, this **19th** day **of May, 2008.**

UNITED STATES MAGISTRATE JUDGE

FAS

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Sergio Barron, declare under penalty of perjury the following to be true and correct:

On May 16, 2008 at about 0310 hours at the Otay Mesa, California Port of Entry, a white 2004 Chevrolet Suburban bearing California license 5GRJ280 approached a United States Customs and Border Protection (CBP) Officer at vehicle lane three. Upon inspection, the driver and sole visible occupant of the conveyance, an adult Hispanic male, presented as his own an immigration form I-551 (Permanent Resident Card) bearing the name Rigoberto Rodriguez Ulloa. The officer received a computer generated lookout identifying the vehicle as stolen. Two other CBP officers responded to assist and escort the vehicle and occupant to secondary inspection.

While being escorted to secondary, the driver accelerated and fled the port of entry at a high rate of speed through the west egress lanes, traveling westbound on Highway 905. A description of the vehicle and occupant was broadcast via radio to Border Patrol dispatch and CBP Sector Communications. A San Diego Police (SDPD) Officer, who was present at the port of entry on a separate matter, also broadcast the information via radio to San Diego Police dispatch.

At about 0400 hours, while conducting street patrol near the 3900 block of Oceanview Blvd in San Diego, two SDPD officers pulled in behind a white 2004 Chevrolet Suburban bearing California license 5GRJ280. License queries revealed the vehicle had been reported stolen. The officers affected a traffic stop and arrested the driver and sole occupant, now identified as **Arturo COPADO-Rendon, a.k.a. Antonio GARCIA-Torres (Defendant)**. A search of the vehicle revealed no contraband, but the windows surrounding the rear cargo area were found to be covered from the inside with cardboard. SDPD noticed the vehicle and license information matched that of the reported port runner and subsequently notified CBP.

Two CBP officers, including the primary inspecting officer responded to SDPD Headquarters and positively identified the arrested person as the individual that fled from the Otay Mesa Port of Entry. CBP took custody of Defendant and transported him to the San Ysidro Port of Entry.

Upon arrival at San Ysidro, Defendant was queried by ten-digit fingerprint and photograph submission through the Automated Biometric Identification System (IDENT) and Integrated Automated Fingerprint Identification System (IAFIS). IDENT/IAFIS returned a match to the query, positively identifying Defendant and linking him to FBI and Immigration Service records.

Immigration Service records, including Deportable Alien Control System (DACS) identify Defendant as a citizen of Mexico and previously deported/removed alien. DACS indicates that on or about September 5, 2006, an Immigration Judge ordered Defendant deported and Defendant was subsequently removed to Mexico through San Ysidro, California. Immigration Service records contain no evidence that Defendant has applied for or received permission from the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security to legally re-enter the United States.

Continued on Page 2.

Continuation of Probable Cause Statement
RE: Arturo COPADO-Rendon a.k.a. Antonio GARCIA-Torres

During a videotaped proceeding, Defendant was advised of his Miranda rights. Defendant acknowledged his rights and agreed to answer questions without the benefit of counsel. During a subsequent interview, Defendant admitted he is a citizen of Mexico by birth in Sinaloa. Defendant admitted he has no document or other benefit that would permit his legal entry into the United States. Defendant admitted he has been ordered deported and removed from the United States to Mexico. Defendant admitted he has not applied for or received permission to re-enter the United States.

Defendant denied having been at or driven the above mentioned vehicle to the Otay Mesa Port of Entry. Defendant maintains he entered the United States without inspection from Mexico through San Ysidro, California approximately two weeks ago concealed in the trunk of a vehicle. Defendant claims he came into possession of the vehicle just minutes prior to the SDPD traffic stop. Defendant stated he was in San Diego at the home of his friend "Rigoberto" playing cards. Defendant claims "Rigoberto" loaned him the vehicle to go to a gas station to buy cigarettes.

Defendant denied having possessed or presented the Permanent Resident Card recovered at primary inspection. The Permanent Resident Card used for entry at the Otay Mesa Port of Entry was presented to Defendant. Defendant stated the person pictured on the Permanent Resident Card is his friend "Rigoberto." Immigration Service records reveal that on or about September 18, 2003, the entry document identified above presented at primary inspection was reported lost or stolen.

Executed on this **16th** day of **May 2008** at **1930 hours.**

Sergio Barron / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of **(2)** pages, I find probable cause to believe that the defendant named therein committed the offenses on **May 16, 2008** in violation of Title 8, United States Code, Section 1326 and Title 18, United States Code, Section 1546(a).

United States Magistrate Judge

5/17/08 12:05pm
Date / Time